



General Assembly

**Substitute Bill No. 5384**

February Session, 2012

\* \_\_\_\_HB05384ET\_\_\_\_032812\_\_\_\_ \*

**AN ACT CONCERNING THE DEFINITION OF TERMS AND MINOR  
REVISIONS IN THE ENERGY, TECHNOLOGY AND UTILITY  
STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-1 of the 2012 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 [(a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
5 and 245b shall be construed as follows, unless another meaning is  
6 expressed or is clearly apparent from the language or context:

7 (1) "Authority" means the Public Utilities Regulatory Authority and  
8 "department" means the Department of Energy and Environmental  
9 Protection;

10 (2) "Director" means a member of said authority;

11 (3) "Commissioner of Transportation" means the Commissioner of  
12 Transportation appointed under section 13b-3;

13 (4) "Public service company" includes electric, electric distribution,  
14 gas, telephone, telegraph, pipeline, sewage, water and community  
15 antenna television companies and holders of a certificate of cable  
16 franchise authority, owning, leasing, maintaining, operating,

17 managing or controlling plants or parts of plants or equipment, and all  
18 express companies having special privileges on railroads within this  
19 state, but shall not include telegraph company functions concerning  
20 intrastate money order service, towns, cities, boroughs, any municipal  
21 corporation or department thereof, whether separately incorporated or  
22 not, a private power producer, as defined in section 16-243b, or an  
23 exempt wholesale generator, as defined in 15 USC 79z-5a;

24 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
25 poles, wires and other fixed or stationary construction and equipment,  
26 wherever located, used in the conduct of the business of the company;

27 (6) "Railroad company" includes every person owning, leasing,  
28 maintaining, operating, managing or controlling any railroad, or any  
29 cars or other equipment employed thereon or in connection therewith,  
30 for public or general use within this state;

31 (7) "Street railway company" includes every person owning, leasing,  
32 maintaining, operating, managing or controlling any street railway, or  
33 any cars or other equipment employed thereon or in connection  
34 therewith, for public or general use within this state;

35 (8) "Electric company" includes, until an electric company has been  
36 unbundled in accordance with the provisions of section 16-244e, every  
37 person owning, leasing, maintaining, operating, managing or  
38 controlling poles, wires, conduits or other fixtures, along public  
39 highways or streets, for the transmission or distribution of electric  
40 current for sale for light, heat or power within this state, or engaged in  
41 generating electricity to be so transmitted or distributed for such  
42 purpose, but shall not include (A) a private power producer, as  
43 defined in section 16-243b, (B) an exempt wholesale generator, as  
44 defined in 15 USC 79z-5a, (C) a municipal electric utility established  
45 under chapter 101, (D) a municipal electric energy cooperative  
46 established under chapter 101a, (E) an electric cooperative established  
47 under chapter 597, or (F) any other electric utility owned, leased,  
48 maintained, operated, managed or controlled by any unit of local

49 government under any general statute or any public or special act;

50 (9) "Gas company" includes every person owning, leasing,  
51 maintaining, operating, managing or controlling mains, pipes or other  
52 fixtures, in public highways or streets, for the transmission or  
53 distribution of gas for sale for heat or power within this state, or  
54 engaged in the manufacture of gas to be so transmitted or distributed  
55 for such purpose, but shall not include a person manufacturing gas  
56 through the use of a biomass gasification plant provided such person  
57 does not own, lease, maintain, operate, manage or control mains, pipes  
58 or other fixtures in public highways or streets, a municipal gas utility  
59 established under chapter 101 or any other gas utility owned, leased,  
60 maintained, operated, managed or controlled by any unit of local  
61 government under any general statute or any public or special act;

62 (10) "Water company" includes every person owning, leasing,  
63 maintaining, operating, managing or controlling any pond, lake,  
64 reservoir, stream, well or distributing plant or system employed for  
65 the purpose of supplying water to fifty or more consumers. A water  
66 company does not include homeowners, condominium associations  
67 providing water only to their members, homeowners associations  
68 providing water to customers at least eighty per cent of whom are  
69 members of such associations, a municipal waterworks system  
70 established under chapter 102, a district, metropolitan district,  
71 municipal district or special services district established under chapter  
72 105, chapter 105a or any other general statute or any public or special  
73 act which is authorized to supply water, or any other waterworks  
74 system owned, leased, maintained, operated, managed or controlled  
75 by any unit of local government under any general statute or any  
76 public or special act;

77 (11) "Consumer" means any private dwelling, boardinghouse,  
78 apartment, store, office building, institution, mechanical or  
79 manufacturing establishment or other place of business or industry to  
80 which water is supplied by a water company;

81       (12) "Sewage company" includes every person owning, leasing,  
82 maintaining, operating, managing or controlling, for general use in any  
83 town, city or borough, or portion thereof, in this state, sewage disposal  
84 facilities which discharge treated effluent into any waterway of this  
85 state;

86       (13) "Pipeline company" includes every person owning, leasing,  
87 maintaining, operating, managing or controlling mains, pipes or other  
88 fixtures through, over, across or under any public land, water,  
89 parkways, highways, parks or public grounds for the transportation,  
90 transmission or distribution of petroleum products for hire within this  
91 state;

92       (14) "Community antenna television company" includes every  
93 person owning, leasing, maintaining, operating, managing or  
94 controlling a community antenna television system, in, under or over  
95 any public street or highway, for the purpose of providing community  
96 antenna television service for hire and shall include any municipality  
97 which owns or operates one or more plants for the manufacture or  
98 distribution of electricity pursuant to section 7-213 or any special act  
99 and seeks to obtain or obtains a certificate of public convenience and  
100 necessity to construct or operate a community antenna television  
101 system pursuant to section 16-331 or a certificate of cable franchise  
102 authority pursuant to section 16-331q. "Community antenna television  
103 company" does not include a certified competitive video service  
104 provider;

105       (15) "Community antenna television service" means (A) the one-way  
106 transmission to subscribers of video programming or information that  
107 a community antenna television company makes available to all  
108 subscribers generally, and subscriber interaction, if any, which is  
109 required for the selection of such video programming or information,  
110 and (B) noncable communications service. "Community antenna  
111 television service" does not include video service provided by a  
112 certified competitive video service provider;

113       (16) "Community antenna television system" means a facility,  
114 consisting of a set of closed transmission paths and associated signal  
115 generation, reception and control equipment that is designed to  
116 provide community antenna television service which includes video  
117 programming and which is provided in, under or over any public  
118 street or highway, for hire, to multiple subscribers within a franchise,  
119 but such term does not include (A) a facility that serves only to  
120 retransmit the television signals of one or more television broadcast  
121 stations; (B) a facility that serves only subscribers in one or more  
122 multiple unit dwellings under common ownership, control or  
123 management, unless such facility is located in, under or over a public  
124 street or highway; (C) a facility of a common carrier which is subject, in  
125 whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
126 Communications Act of 1934, 47 USC 201 et seq., as amended, except  
127 that such facility shall be considered a community antenna television  
128 system and the carrier shall be considered a public service company to  
129 the extent such facility is used in the transmission of video  
130 programming directly to subscribers; or (D) a facility of an electric  
131 company which is used solely for operating its electric company  
132 systems. "Community antenna television system" does not include a  
133 facility used by a certified competitive video service provider to  
134 provide video service;

135       (17) "Video programming" means programming provided by, or  
136 generally considered comparable to programming provided by, a  
137 television broadcast station;

138       (18) "Noncable communications service" means any  
139 telecommunications service, as defined in section 16-247a, and which is  
140 not included in the definition of "cable service" in the Communications  
141 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall  
142 be construed to affect service which is both authorized and preempted  
143 pursuant to federal law;

144       (19) "Public service motor vehicle" includes all motor vehicles used  
145 for the transportation of passengers for hire;

146       (20) "Motor bus" includes any public service motor vehicle operated  
147 in whole or in part upon any street or highway, by indiscriminately  
148 receiving or discharging passengers, or operated on a regular route or  
149 over any portion thereof, or operated between fixed termini, and any  
150 public service motor vehicle operated over highways within this state  
151 between points outside this state or between points within this state  
152 and points outside this state;

153       (21) "Cogeneration technology" means the use for the generation of  
154 electricity of exhaust steam, waste steam, heat or resultant energy from  
155 an industrial, commercial or manufacturing plant or process, or the use  
156 of exhaust steam, waste steam or heat from a thermal power plant for  
157 an industrial, commercial or manufacturing plant or process, but shall  
158 not include steam or heat developed solely for electrical power  
159 generation;

160       (22) "Renewable fuel resources" means energy sources described in  
161 subdivisions (26) and (27) of this subsection;

162       (23) "Telephone company" means a telecommunications company  
163 that provides one or more noncompetitive or emerging competitive  
164 services, as defined in section 16-247a;

165       (24) "Domestic telephone company" includes any telephone  
166 company which has been chartered by or organized or constituted  
167 within or under the laws of this state;

168       (25) "Telecommunications company" means a person that provides  
169 telecommunications service, as defined in section 16-247a, within the  
170 state, but shall not mean a person that provides only (A) private  
171 telecommunications service, as defined in section 16-247a, (B) the  
172 one-way transmission of video programming or other programming  
173 services to subscribers, (C) subscriber interaction, if any, which is  
174 required for the selection of such video programming or other  
175 programming services, (D) the two-way transmission of educational or  
176 instructional programming to a public or private elementary or  
177 secondary school, or a public or independent institution of higher

178 education, as required by the department pursuant to a community  
179 antenna television company franchise agreement, or provided  
180 pursuant to a contract with such a school or institution which contract  
181 has been filed with the department, or (E) a combination of the services  
182 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

183       (26) "Class I renewable energy source" means (A) energy derived  
184 from solar power, wind power, a fuel cell, methane gas from landfills,  
185 ocean thermal power, wave or tidal power, low emission advanced  
186 renewable energy conversion technologies, a run-of-the-river  
187 hydropower facility provided such facility has a generating capacity of  
188 not more than five megawatts, does not cause an appreciable change in  
189 the river flow, and began operation after July 1, 2003, or a sustainable  
190 biomass facility with an average emission rate of equal to or less than  
191 .075 pounds of nitrogen oxides per million BTU of heat input for the  
192 previous calendar quarter, except that energy derived from a  
193 sustainable biomass facility with a capacity of less than five hundred  
194 kilowatts that began construction before July 1, 2003, may be  
195 considered a Class I renewable energy source, or (B) any electrical  
196 generation, including distributed generation, generated from a Class I  
197 renewable energy source;

198       (27) "Class II renewable energy source" means energy derived from  
199 a trash-to-energy facility, a biomass facility that began operation before  
200 July 1, 1998, provided the average emission rate for such facility is  
201 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
202 heat input for the previous calendar quarter, or a run-of-the-river  
203 hydropower facility provided such facility has a generating capacity of  
204 not more than five megawatts, does not cause an appreciable change in  
205 the riverflow, and began operation prior to July 1, 2003;

206       (28) "Electric distribution services" means the owning, leasing,  
207 maintaining, operating, managing or controlling of poles, wires,  
208 conduits or other fixtures along public highways or streets for the  
209 distribution of electricity, or electric distribution-related services;

210 (29) "Electric distribution company" or "distribution company"  
211 means any person providing electric transmission or distribution  
212 services within the state, including an electric company, subject to  
213 subparagraph (F) of this subdivision, but does not include: (A) A  
214 private power producer, as defined in section 16-243b; (B) a municipal  
215 electric utility established under chapter 101, other than a participating  
216 municipal electric utility; (C) a municipal electric energy cooperative  
217 established under chapter 101a; (D) an electric cooperative established  
218 under chapter 597; (E) any other electric utility owned, leased,  
219 maintained, operated, managed or controlled by any unit of local  
220 government under any general statute or special act; (F) after an  
221 electric company has been unbundled in accordance with the  
222 provisions of section 16-244e, a generation entity or affiliate of the  
223 former electric company; or (G) an electric supplier;

224 (30) "Electric supplier" means any person, including an electric  
225 aggregator or participating municipal electric utility that is licensed by  
226 the Public Utilities Regulatory Authority in accordance with section  
227 16-245, that provides electric generation services to end use customers  
228 in the state using the transmission or distribution facilities of an  
229 electric distribution company, regardless of whether or not such  
230 person takes title to such generation services, but does not include: (A)  
231 A municipal electric utility established under chapter 101, other than a  
232 participating municipal electric utility; (B) a municipal electric energy  
233 cooperative established under chapter 101a; (C) an electric cooperative  
234 established under chapter 597; (D) any other electric utility owned,  
235 leased, maintained, operated, managed or controlled by any unit of  
236 local government under any general statute or special act; or (E) an  
237 electric distribution company in its provision of electric generation  
238 services in accordance with subsection (a) or, prior to January 1, 2004,  
239 subsection (c) of section 16-244c;

240 (31) "Electric aggregator" means (A) a person, municipality or  
241 regional water authority that gathers together electric customers for  
242 the purpose of negotiating the purchase of electric generation services  
243 from an electric supplier, or (B) the Connecticut Resources Recovery



244 Authority, if it gathers together electric customers for the purpose of  
245 negotiating the purchase of electric generation services from an electric  
246 supplier, provided such person, municipality or authority is not  
247 engaged in the purchase or resale of electric generation services, and  
248 provided further such customers contract for electric generation  
249 services directly with an electric supplier, and may include an electric  
250 cooperative established pursuant to chapter 597;

251 (32) "Electric generation services" means electric energy, electric  
252 capacity or generation-related services;

253 (33) "Electric transmission services" means electric transmission or  
254 transmission-related services;

255 (34) "Generation entity or affiliate" means a corporate affiliate or, as  
256 provided in subdivision (3) of subsection (a) of section 16-244e, a  
257 separate division of an electric company after unbundling has occurred  
258 pursuant to section 16-244e, that provides electric generation services;

259 (35) "Participating municipal electric utility" means a municipal  
260 electric utility established under chapter 101 or any other electric  
261 utility owned, leased, maintained, operated, managed or controlled by  
262 any unit of local government under any general statute or any public  
263 or special act, that is authorized by the authority in accordance with  
264 section 16-245c to provide electric generation services to end use  
265 customers outside its service area, as defined in section 16-245c;

266 (36) "Person" means an individual, business, firm, corporation,  
267 association, joint stock association, trust, partnership or limited  
268 liability company;

269 (37) "Regional independent system operator" means the "ISO - New  
270 England, Inc.", or its successor organization as approved by the  
271 Federal Energy Regulatory Commission;

272 (38) "Certified telecommunications provider" means a person  
273 certified by the authority to provide intrastate telecommunications

274 services, as defined in section 16-247a, pursuant to sections 16-247f to  
275 16-247h, inclusive;

276 (39) "Gas registrant" means a person registered to sell natural gas  
277 pursuant to section 16-258a;

278 (40) "Customer-side distributed resources" means (A) the generation  
279 of electricity from a unit with a rating of not more than sixty-five  
280 megawatts on the premises of a retail end user within the transmission  
281 and distribution system including, but not limited to, fuel cells,  
282 photovoltaic systems or small wind turbines, or (B) a reduction in the  
283 demand for electricity on the premises of a retail end user in the  
284 distribution system through methods of conservation and load  
285 management, including, but not limited to, peak reduction systems  
286 and demand response systems;

287 (41) "Federally mandated congestion charges" means any cost  
288 approved by the Federal Energy Regulatory Commission as part of  
289 New England Standard Market Design including, but not limited to,  
290 locational marginal pricing, locational installed capacity payments, any  
291 cost approved by the Public Utilities Regulatory Authority to reduce  
292 federally mandated congestion charges in accordance with section 7-  
293 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-  
294 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-  
295 245z, and section 21 of public act 05-1 of the June special session and  
296 reliability must run contracts;

297 (42) "Combined heat and power system" means a system that  
298 produces, from a single source, both electric power and thermal energy  
299 used in any process that results in an aggregate reduction in electricity  
300 use;

301 (43) "Grid-side distributed resources" means the generation of  
302 electricity from a unit with a rating of not more than sixty-five  
303 megawatts that is connected to the transmission or distribution system,  
304 which units may include, but are not limited to, units used primarily to  
305 generate electricity to meet peak demand;

306       (44) "Class III source" means the electricity output from combined  
307 heat and power systems with an operating efficiency level of no less  
308 than fifty per cent that are part of customer-side distributed resources  
309 developed at commercial and industrial facilities in this state on or  
310 after January 1, 2006, a waste heat recovery system installed on or after  
311 April 1, 2007, that produces electrical or thermal energy by capturing  
312 preexisting waste heat or pressure from industrial or commercial  
313 processes, or the electricity savings created in this state from  
314 conservation and load management programs begun on or after  
315 January 1, 2006;

316       (45) "Sustainable biomass" means biomass that is cultivated and  
317 harvested in a sustainable manner. "Sustainable biomass" does not  
318 mean construction and demolition waste, as defined in section 22a-  
319 208x, finished biomass products from sawmills, paper mills or stud  
320 mills, organic refuse fuel derived separately from municipal solid  
321 waste, or biomass from old growth timber stands, except where (A)  
322 such biomass is used in a biomass gasification plant that received  
323 funding prior to May 1, 2006, from the Clean Energy Fund established  
324 pursuant to section 16-245n, or (B) the energy derived from such  
325 biomass is subject to a long-term power purchase contract pursuant to  
326 subdivision (2) of subsection (j) of section 16-244c entered into prior to  
327 May 1, 2006, (C) such biomass is used in a renewable energy facility  
328 that is certified as a Class I renewable energy source by the authority  
329 until such time as the authority certifies that any biomass gasification  
330 plant, as defined in subparagraph (A) of this subdivision, is  
331 operational and accepting such biomass, in an amount not to exceed  
332 one hundred forty thousand tons annually, is used in a renewable  
333 energy facility that was certified as a Class I renewable energy source  
334 by the authority prior to December 31, 2007, and uses biomass,  
335 including construction and demolition waste as defined in section 22a-  
336 208x, from a Connecticut-sited transfer station and volume-reduction  
337 facility that generated biomass during calendar year 2007 that was  
338 used during calendar year 2007 to generate Class I renewable energy  
339 certificates, or (D) in the event there is no facility as described in

340 subparagraph (A) or (C) of this subdivision accepting such biomass, in  
341 an amount not to exceed one hundred forty thousand tons annually, is  
342 used in one or more other renewable energy facilities certified either as  
343 a Class I or Class II renewable energy source by the authority,  
344 provided such facilities use biomass, including construction and  
345 demolition waste as defined in said section 22a-208x, from a  
346 Connecticut-sited transfer station and volume-reduction facility that  
347 generated biomass during calendar year 2007 that was used during  
348 calendar year 2007 to generate Class I renewable energy certificates.  
349 Notwithstanding the provisions of subparagraphs (C) and (D) of this  
350 subdivision, the amount of biomass specified in said subparagraphs  
351 shall not apply to a biomass gasification plant, as defined in  
352 subparagraph (A) of this subdivision;

353 (46) "Video service" means video programming services provided  
354 through wireline facilities, a portion of which are located in the public  
355 right-of-way, without regard to delivery technology, including Internet  
356 protocol technology. "Video service" does not include any video  
357 programming provided by a commercial mobile service provider, as  
358 defined in 47 USC 332(d), any video programming provided as part of  
359 community antenna television service in a franchise area as of October  
360 1, 2007, any video programming provided as part of and via a service  
361 that enables users to access content, information, electronic mail or  
362 other services over the public Internet;

363 (47) "Certified competitive video service provider" means an entity  
364 providing video service pursuant to a certificate of video franchise  
365 authority issued by the authority in accordance with section 16-331e.  
366 "Certified competitive video service provider" does not mean an entity  
367 issued a certificate of public convenience and necessity in accordance  
368 with section 16-331 or the affiliates, successors and assigns of such  
369 entity or an entity issued a certificate of cable franchise authority in  
370 accordance with section 16-331p or the affiliates, successors and  
371 assignees of such entity;

372 (48) "Certificate of video franchise authority" means an

373 authorization issued by the Public Utilities Regulatory Authority  
374 conferring the right to an entity or person to own, lease, maintain,  
375 operate, manage or control facilities in, under or over any public  
376 highway to offer video service to any subscribers in the state;

377 (49) "Certificate of cable franchise authority" means an authorization  
378 issued by the Public Utilities Regulatory Authority pursuant to section  
379 16-331q conferring the right to a community antenna television  
380 company to own, lease, maintain, operate, manage or control a  
381 community antenna television system in, under or over any public  
382 highway to (A) offer community antenna television service in a  
383 community antenna television company's designated franchise area, or  
384 (B) use the public rights-of-way to offer video service in a designated  
385 franchise area. The certificate of cable franchise authority shall be  
386 issued as an alternative to a certificate of public convenience and  
387 necessity pursuant to section 16-331 and shall only be available to a  
388 community antenna television company under the terms specified in  
389 sections 16-331q to 16-331aa, inclusive;

390 (50) "Thermal energy transportation company" means any person  
391 authorized under any provision of the general statutes or special act to  
392 furnish heat or air conditioning or both, by means of steam, heated or  
393 chilled water or other medium, to lay and maintain mains, pipes or  
394 other conduits, and to erect such other fixtures necessary or convenient  
395 in and on the streets, highways and public grounds of any  
396 municipality to carry steam, heated or chilled water or other medium  
397 from such plant to the location to be served and to return the same;

398 (51) "The Connecticut Television Network" means the General  
399 Assembly's state-wide twenty-four-hour state public affairs  
400 programming service, separate and distinct from community access  
401 channels; and

402 (52) "Commissioner of Energy and Environmental Protection"  
403 means the Commissioner of Energy and Environmental Protection  
404 appointed pursuant to title 4.]

405        (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
406        and 245b shall be construed as follows, unless another meaning is  
407        expressed or is clearly apparent from the language or context:

408        (1) "Authority" means the Public Utilities Regulatory Authority;

409        (2) "Certificate of cable franchise authority" means an authorization  
410        issued by the Public Utilities Regulatory Authority pursuant to section  
411        16-331q conferring the right to a community antenna television  
412        company to own, lease, maintain, operate, manage or control a  
413        community antenna television system in, under or over any public  
414        highway to (A) offer community antenna television service in a  
415        community antenna television company's designated franchise area, or  
416        (B) use the public rights-of-way to offer video service in a designated  
417        franchise area. The certificate of cable franchise authority shall be  
418        issued as an alternative to a certificate of public convenience and  
419        necessity pursuant to section 16-331 and shall only be available to a  
420        community antenna television company under the terms specified in  
421        sections 16-331q to 16-331aa, inclusive;

422        (3) "Certificate of video franchise authority" means an authorization  
423        issued by the Public Utilities Regulatory Authority conferring the right  
424        to an entity or person to own, lease, maintain, operate, manage or  
425        control facilities in, under or over any public highway to offer video  
426        service to any subscribers in the state;

427        (4) "Certified competitive video service provider" means an entity  
428        providing video service pursuant to a certificate of video franchise  
429        authority issued by the authority in accordance with section 16-331e.  
430        "Certified competitive video service provider" does not mean an entity  
431        issued a certificate of public convenience and necessity in accordance  
432        with section 16-331 or the affiliates, successors and assigns of such  
433        entity or an entity issued a certificate of cable franchise authority in  
434        accordance with section 16-331p or the affiliates, successors and  
435        assignees of such entity;

436        (5) "Certified telecommunications provider" means a person

437 certified by the authority to provide intrastate telecommunications  
438 services, as defined in section 16-247a, pursuant to sections 16-247f to  
439 16-247h, inclusive;

440 (6) "Class I renewable energy source" means (A) energy derived  
441 from solar power, wind power, a fuel cell, methane gas from landfills,  
442 ocean thermal power, wave or tidal power, low emission advanced  
443 renewable energy conversion technologies, a run-of-the-river  
444 hydropower facility provided such facility has a generating capacity of  
445 not more than five megawatts, does not cause an appreciable change in  
446 the river flow, and began operation after July 1, 2003, or a sustainable  
447 biomass facility with an average emission rate of equal to or less than  
448 .075 pounds of nitrogen oxides per million BTU of heat input for the  
449 previous calendar quarter, except that energy derived from a  
450 sustainable biomass facility with a capacity of less than five hundred  
451 kilowatts that began construction before July 1, 2003, may be  
452 considered a Class I renewable energy source, or (B) any electrical  
453 generation, including distributed generation, generated from a Class I  
454 renewable energy source;

455 (7) "Class II renewable energy source" means energy derived from a  
456 trash-to-energy facility, a biomass facility that began operation before  
457 July 1, 1998, provided the average emission rate for such facility is  
458 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
459 heat input for the previous calendar quarter, or a run-of-the-river  
460 hydropower facility provided such facility has a generating capacity of  
461 not more than five megawatts, does not cause an appreciable change in  
462 the riverflow, and began operation prior to July 1, 2003;

463 (8) "Class III source" means the electricity output from combined  
464 heat and power systems with an operating efficiency level of no less  
465 than fifty per cent that are part of customer-side distributed resources  
466 developed at commercial and industrial facilities in this state on or  
467 after January 1, 2006, a waste heat recovery system installed on or after  
468 April 1, 2007, that produces electrical or thermal energy by capturing  
469 preexisting waste heat or pressure from industrial or commercial

470 processes, or the electricity savings created in this state from  
471 conservation and load management programs begun on or after  
472 January 1, 2006;

473 (9) "Cogeneration technology" means the use for the generation of  
474 electricity of exhaust steam, waste steam, heat or resultant energy from  
475 an industrial, commercial or manufacturing plant or process, or the use  
476 of exhaust steam, waste steam or heat from a thermal power plant for  
477 an industrial, commercial or manufacturing plant or process, but shall  
478 not include steam or heat developed solely for electrical power  
479 generation;

480 (10) "Combined heat and power system" means a system that  
481 produces, from a single source, both electric power and thermal energy  
482 used in any process that results in an aggregate reduction in electricity  
483 use;

484 (11) "Commissioner of Energy and Environmental Protection"  
485 means the Commissioner of Energy and Environmental Protection  
486 appointed pursuant to title 4;

487 (12) "Commissioner of Transportation" means the Commissioner of  
488 Transportation appointed under section 13b-3;

489 (13) "Community antenna television company" includes every  
490 person owning, leasing, maintaining, operating, managing or  
491 controlling a community antenna television system, in, under or over  
492 any public street or highway, for the purpose of providing community  
493 antenna television service for hire and shall include any municipality  
494 which owns or operates one or more plants for the manufacture or  
495 distribution of electricity pursuant to section 7-213 or any special act  
496 and seeks to obtain or obtains a certificate of public convenience and  
497 necessity to construct or operate a community antenna television  
498 system pursuant to section 16-331 or a certificate of cable franchise  
499 authority pursuant to section 16-331q. "Community antenna television  
500 company" does not include a certified competitive video service  
501 provider;



502     (14) "Community antenna television service" means (A) the one-way  
503     transmission to subscribers of video programming or information that  
504     a community antenna television company makes available to all  
505     subscribers generally, and subscriber interaction, if any, which is  
506     required for the selection of such video programming or information,  
507     and (B) noncable communications service. "Community antenna  
508     television service" does not include video service provided by a  
509     certified competitive video service provider;

510     (15) "Community antenna television system" means a facility,  
511     consisting of a set of closed transmission paths and associated signal  
512     generation, reception and control equipment that is designed to  
513     provide community antenna television service which includes video  
514     programming and which is provided in, under or over any public  
515     street or highway, for hire, to multiple subscribers within a franchise,  
516     but such term does not include (A) a facility that serves only to  
517     retransmit the television signals of one or more television broadcast  
518     stations; (B) a facility that serves only subscribers in one or more  
519     multiple unit dwellings under common ownership, control or  
520     management, unless such facility is located in, under or over a public  
521     street or highway; (C) a facility of a common carrier which is subject, in  
522     whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
523     Communications Act of 1934, 47 USC 201 et seq., as amended, except  
524     that such facility shall be considered a community antenna television  
525     system and the carrier shall be considered a public service company to  
526     the extent such facility is used in the transmission of video  
527     programming directly to subscribers; (D) a facility of an electric  
528     company which is used solely for operating its electric company  
529     systems; or (E) a facility used by a certified competitive video service  
530     provider to provide video service;

531     (16) "Consumer" means any private dwelling, boardinghouse,  
532     apartment, store, office building, institution, mechanical or  
533     manufacturing establishment or other place of business or industry to  
534     which water is supplied by a water company;

535     (17) "Customer-side distributed resources" means (A) the generation  
536     of electricity from a unit with a rating of not more than sixty-five  
537     megawatts on the premises of a retail end user within the transmission  
538     and distribution system including, but not limited to, fuel cells,  
539     photovoltaic systems or small wind turbines, or (B) a reduction in the  
540     demand for electricity on the premises of a retail end user in the  
541     distribution system through methods of conservation and load  
542     management, including, but not limited to, peak reduction systems  
543     and demand response systems;

544     (18) "Department" means the Department of Energy and  
545     Environmental Protection;

546     (19) "Director" means a member of the Public Utilities Regulatory  
547     Authority;

548     (20) "Domestic telephone company" includes any telephone  
549     company which has been chartered by or organized or constituted  
550     within or under the laws of this state;

551     (21) "Electric aggregator" means (A) a person, municipality or  
552     regional water authority that gathers together electric customers for  
553     the purpose of negotiating the purchase of electric generation services  
554     from an electric supplier, or (B) the Connecticut Resources Recovery  
555     Authority, if it gathers together electric customers for the purpose of  
556     negotiating the purchase of electric generation services from an electric  
557     supplier, provided such person, municipality or authority is not  
558     engaged in the purchase or resale of electric generation services, and  
559     provided further such customers contract for electric generation  
560     services directly with an electric supplier, and may include an electric  
561     cooperative established pursuant to chapter 597;

562     (22) "Electric company" includes, until an electric company has been  
563     unbundled in accordance with the provisions of section 16-244e, every  
564     person owning, leasing, maintaining, operating, managing or  
565     controlling poles, wires, conduits or other fixtures, along public  
566     highways or streets, for the transmission or distribution of electric

567 current for sale for light, heat or power within this state, or engaged in  
568 generating electricity to be so transmitted or distributed for such  
569 purpose, but shall not include (A) a private power producer, as  
570 defined in section 16-243b, (B) an exempt wholesale generator, as  
571 defined in 15 USC 79z-5a, (C) a municipal electric utility established  
572 under chapter 101, (D) a municipal electric energy cooperative  
573 established under chapter 101a, (E) an electric cooperative established  
574 under chapter 597, or (F) any other electric utility owned, leased,  
575 maintained, operated, managed or controlled by any unit of local  
576 government under any general statute or any public or special act;

577 (23) "Electric distribution company" or "distribution company"  
578 means any person providing electric transmission or distribution  
579 services within the state, including an electric company, subject to  
580 subparagraph (F) of this subdivision, but does not include: (A) A  
581 private power producer, as defined in section 16-243b; (B) a municipal  
582 electric utility established under chapter 101, other than a participating  
583 municipal electric utility; (C) a municipal electric energy cooperative  
584 established under chapter 101a; (D) an electric cooperative established  
585 under chapter 597; (E) any other electric utility owned, leased,  
586 maintained, operated, managed or controlled by any unit of local  
587 government under any general statute or special act; (F) after an  
588 electric company has been unbundled in accordance with the  
589 provisions of section 16-244e, a generation entity or affiliate of the  
590 former electric company; or (G) an electric supplier;

591 (24) "Electric distribution services" means the owning, leasing,  
592 maintaining, operating, managing or controlling of poles, wires,  
593 conduits or other fixtures along public highways or streets for the  
594 distribution of electricity, or electric distribution-related services;

595 (25) "Electric generation services" means electric energy, electric  
596 capacity or generation-related services;

597 (26) "Electric supplier" means any person, including an electric  
598 aggregator or participating municipal electric utility that is licensed by

599 the Public Utilities Regulatory Authority in accordance with section  
600 16-245, that provides electric generation services to end use customers  
601 in the state using the transmission or distribution facilities of an  
602 electric distribution company, regardless of whether or not such  
603 person takes title to such generation services, but does not include: (A)  
604 A municipal electric utility established under chapter 101, other than a  
605 participating municipal electric utility; (B) a municipal electric energy  
606 cooperative established under chapter 101a; (C) an electric cooperative  
607 established under chapter 597; (D) any other electric utility owned,  
608 leased, maintained, operated, managed or controlled by any unit of  
609 local government under any general statute or special act; or (E) an  
610 electric distribution company in its provision of electric generation  
611 services in accordance with subsection (a) or, prior to January 1, 2004,  
612 subsection (c) of section 16-244c;

613 (27) "Electric transmission services" means electric transmission or  
614 transmission-related services;

615 (28) "Federally mandated congestion charges" means any cost  
616 approved by the Federal Energy Regulatory Commission as part of  
617 New England Standard Market Design including, but not limited to,  
618 locational marginal pricing, locational installed capacity payments, any  
619 cost approved by the Public Utilities Regulatory Authority to reduce  
620 federally mandated congestion charges in accordance with section 7-  
621 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-  
622 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-  
623 245z, and section 21 of public act 05-1 of the June special session and  
624 reliability must run contracts;

625 (29) "Gas company" includes every person owning, leasing,  
626 maintaining, operating, managing or controlling mains, pipes or other  
627 fixtures, in public highways or streets, for the transmission or  
628 distribution of gas for sale for heat or power within this state, or  
629 engaged in the manufacture of gas to be so transmitted or distributed  
630 for such purpose, but shall not include a person manufacturing gas  
631 through the use of a biomass gasification plant provided such person

632 does not own, lease, maintain, operate, manage or control mains, pipes  
633 or other fixtures in public highways or streets, a municipal gas utility  
634 established under chapter 101 or any other gas utility owned, leased,  
635 maintained, operated, managed or controlled by any unit of local  
636 government under any general statute or any public or special act;

637 (30) "Gas registrant" means a person registered to sell natural gas  
638 pursuant to section 16-258a;

639 (31) "Generation entity or affiliate" means a corporate affiliate or, as  
640 provided in subdivision (3) of subsection (a) of section 16-244e, a  
641 separate division of an electric company after unbundling has occurred  
642 pursuant to section 16-244e, that provides electric generation services;

643 (32) "Grid-side distributed resources" means the generation of  
644 electricity from a unit with a rating of not more than sixty-five  
645 megawatts that is connected to the transmission or distribution system,  
646 which units may include, but are not limited to, units used primarily to  
647 generate electricity to meet peak demand;

648 (33) "Motor bus" includes any public service motor vehicle operated  
649 in whole or in part upon any street or highway, by indiscriminately  
650 receiving or discharging passengers, or operated on a regular route or  
651 over any portion thereof, or operated between fixed termini, and any  
652 public service motor vehicle operated over highways within this state  
653 between points outside this state or between points within this state  
654 and points outside this state;

655 (34) "Noncable communications service" means any  
656 telecommunications service, as defined in section 16-247a, and which is  
657 not included in the definition of "cable service" in the Communications  
658 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall  
659 be construed to affect service which is both authorized and preempted  
660 pursuant to federal law;

661 (35) "Participating municipal electric utility" means a municipal  
662 electric utility established under chapter 101 or any other electric

663 utility owned, leased, maintained, operated, managed or controlled by  
664 any unit of local government under any general statute or any public  
665 or special act, that is authorized by the authority in accordance with  
666 section 16-245c to provide electric generation services to end use  
667 customers outside its service area, as defined in section 16-245c;

668 (36) "Person" means an individual, business, firm, corporation,  
669 association, joint stock association, trust, partnership or limited  
670 liability company;

671 (37) "Pipeline company" includes every person owning, leasing,  
672 maintaining, operating, managing or controlling mains, pipes or other  
673 fixtures through, over, across or under any public land, water,  
674 parkways, highways, parks or public grounds for the transportation,  
675 transmission or distribution of petroleum products for hire within this  
676 state;

677 (38) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
678 poles, wires and other fixed or stationary construction and equipment,  
679 wherever located, used in the conduct of the business of the company;

680 (39) "Public service company" includes electric, electric distribution,  
681 gas, telephone, telegraph, pipeline, sewage, water and community  
682 antenna television companies and holders of a certificate of cable  
683 franchise authority, owning, leasing, maintaining, operating,  
684 managing or controlling plants or parts of plants or equipment, and all  
685 express companies having special privileges on railroads within this  
686 state, but shall not include telegraph company functions concerning  
687 intrastate money order service, towns, cities, boroughs, any municipal  
688 corporation or department thereof, whether separately incorporated or  
689 not, a private power producer, as defined in section 16-243b, or an  
690 exempt wholesale generator, as defined in 15 USC 79z-5a;

691 (40) "Public service motor vehicle" includes all motor vehicles used  
692 for the transportation of passengers for hire;

693 (41) "Railroad company" includes every person owning, leasing,

694 maintaining, operating, managing or controlling any railroad, or any  
695 cars or other equipment employed thereon or in connection therewith,  
696 for public or general use within this state;

697 (42) "Regional independent system operator" means the "ISO - New  
698 England, Inc.", or its successor organization as approved by the  
699 Federal Energy Regulatory Commission;

700 (43) "Renewable fuel resources" means energy sources described in  
701 subdivisions (6) and (7) of this subsection;

702 (44) "Sewage company" includes every person owning, leasing,  
703 maintaining, operating, managing or controlling, for general use in any  
704 town, city or borough, or portion thereof, in this state, sewage disposal  
705 facilities which discharge treated effluent into any waterway of this  
706 state;

707 (45) "Street railway company" includes every person owning,  
708 leasing, maintaining, operating, managing or controlling any street  
709 railway, or any cars or other equipment employed thereon or in  
710 connection therewith, for public or general use within this state;

711 (46) "Sustainable biomass" means biomass that is cultivated and  
712 harvested in a sustainable manner. "Sustainable biomass" does not  
713 mean construction and demolition waste, as defined in section 22a-  
714 208x, finished biomass products from sawmills, paper mills or stud  
715 mills, organic refuse fuel derived separately from municipal solid  
716 waste, or biomass from old growth timber stands, except where (A)  
717 such biomass is used in a biomass gasification plant that received  
718 funding prior to May 1, 2006, from the Clean Energy Fund established  
719 pursuant to section 16-245n, or (B) the energy derived from such  
720 biomass is subject to a long-term power purchase contract pursuant to  
721 subdivision (2) of subsection (j) of section 16-244c entered into prior to  
722 May 1, 2006, (C) such biomass is used in a renewable energy facility  
723 that is certified as a Class I renewable energy source by the authority  
724 until such time as the authority certifies that any biomass gasification  
725 plant, as defined in subparagraph (A) of this subdivision, is

726 operational and accepting such biomass, in an amount not to exceed  
727 one hundred forty thousand tons annually, is used in a renewable  
728 energy facility that was certified as a Class I renewable energy source  
729 by the authority prior to December 31, 2007, and uses biomass,  
730 including construction and demolition waste as defined in section 22a-  
731 208x, from a Connecticut-sited transfer station and volume-reduction  
732 facility that generated biomass during calendar year 2007 that was  
733 used during calendar year 2007 to generate Class I renewable energy  
734 certificates, or (D) in the event there is no facility as described in  
735 subparagraph (A) or (C) of this subdivision accepting such biomass, in  
736 an amount not to exceed one hundred forty thousand tons annually, is  
737 used in one or more other renewable energy facilities certified either as  
738 a Class I or Class II renewable energy source by the authority,  
739 provided such facilities use biomass, including construction and  
740 demolition waste as defined in said section 22a-208x, from a  
741 Connecticut-sited transfer station and volume-reduction facility that  
742 generated biomass during calendar year 2007 that was used during  
743 calendar year 2007 to generate Class I renewable energy certificates.  
744 Notwithstanding the provisions of subparagraphs (C) and (D) of this  
745 subdivision, the amount of biomass specified in said subparagraphs  
746 shall not apply to a biomass gasification plant, as defined in  
747 subparagraph (A) of this subdivision;

748 (47) "Telecommunications company" means a person that provides  
749 telecommunications service, as defined in section 16-247a, within the  
750 state, but shall not mean a person that provides only (A) private  
751 telecommunications service, as defined in section 16-247a, (B) the  
752 one-way transmission of video programming or other programming  
753 services to subscribers, (C) subscriber interaction, if any, which is  
754 required for the selection of such video programming or other  
755 programming services, (D) the two-way transmission of educational or  
756 instructional programming to a public or private elementary or  
757 secondary school, or a public or independent institution of higher  
758 education, as required by the department pursuant to a community  
759 antenna television company franchise agreement, or provided



760 pursuant to a contract with such a school or institution which contract  
761 has been filed with the department, or (E) a combination of the services  
762 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

763 (48) "Telephone company" means a telecommunications company  
764 that provides one or more noncompetitive or emerging competitive  
765 services, as defined in section 16-247a;

766 (49) "The Connecticut Television Network" means the General  
767 Assembly's state-wide twenty-four-hour state public affairs  
768 programming service, separate and distinct from community access  
769 channels;

770 (50) "Thermal energy transportation company" means any person  
771 authorized under any provision of the general statutes or special act to  
772 furnish heat or air conditioning or both, by means of steam, heated or  
773 chilled water or other medium, to lay and maintain mains, pipes or  
774 other conduits, and to erect such other fixtures necessary or convenient  
775 in and on the streets, highways and public grounds of any  
776 municipality to carry steam, heated or chilled water or other medium  
777 from such plant to the location to be served and to return the same;

778 (51) "Video programming" means programming provided by, or  
779 generally considered comparable to programming provided by, a  
780 television broadcast station;

781 (52) "Video service" means video programming services provided  
782 through wireline facilities, a portion of which are located in the public  
783 right-of-way, without regard to delivery technology, including Internet  
784 protocol technology. "Video service" does not include any video  
785 programming provided by a commercial mobile service provider, as  
786 defined in 47 USC 332(d), any video programming provided as part of  
787 community antenna television service in a franchise area as of October  
788 1, 2007, any video programming provided as part of and via a service  
789 that enables users to access content, information, electronic mail or  
790 other services over the public Internet; and

791     (53) "Water company" includes every person owning, leasing,  
792 maintaining, operating, managing or controlling any pond, lake,  
793 reservoir, stream, well or distributing plant or system employed for  
794 the purpose of supplying water to fifty or more consumers. A water  
795 company does not include homeowners, condominium associations  
796 providing water only to their members, homeowners associations  
797 providing water to customers at least eighty per cent of whom are  
798 members of such associations, a municipal waterworks system  
799 established under chapter 102, a district, metropolitan district,  
800 municipal district or special services district established under chapter  
801 105, chapter 105a or any other general statute or any public or special  
802 act which is authorized to supply water, or any other waterworks  
803 system owned, leased, maintained, operated, managed or controlled  
804 by any unit of local government under any general statute or any  
805 public or special act.

806     Sec. 2. Subdivision (57) of section 12-81 of the 2012 supplement to  
807 the general statutes is repealed and the following is substituted in lieu  
808 thereof (*Effective from passage*):

809     (57) (a) Any Class I renewable energy source, as defined in section  
810 16-1, as amended by this act, or any hydropower facility described in  
811 subdivision [(27)] (7) of subsection (a) of section 16-1, as amended by  
812 this act, installed for the generation of electricity for private residential  
813 use or on a farm, as defined in subsection (q) of section 1-1, provided  
814 such installation occurs on or after October 1, 2007, and further  
815 provided such installation is for a single family dwelling, multifamily  
816 dwelling consisting of two to four units or a farm, or any passive or  
817 active solar water or space heating system or geothermal energy  
818 resource;

819     Sec. 3. Subsection (e) of section 12-268s of the 2012 supplement to  
820 the general statutes is repealed and the following is substituted in lieu  
821 thereof (*Effective from passage*):

822     (e) The tax imposed by this section shall not apply to any net

823 kilowatt hours of electricity generated at (1) an electric generation  
 824 facility in this state exclusively through the use of fuel cells or an  
 825 alternative energy system, (2) a resources recovery facility, as defined  
 826 in section 22a-260, or (3) customer-side distributed resources, as  
 827 defined in [subdivision (40) of] subsection (a) of section 16-1, as  
 828 amended by this act.

829 Sec. 4. Section 13a-126c of the general statutes is repealed and the  
 830 following is substituted in lieu thereof (*Effective from passage*):

831 Notwithstanding any provision of the general statutes, the  
 832 Commissioner of Transportation may enter into an agreement with the  
 833 owner or operator of a public service facility, as defined in section 13a-  
 834 126, desiring the longitudinal use of the right-of-way of a state  
 835 highway to accommodate trunkline or transmission-type utility  
 836 facilities and to fix the terms, conditions and rates and charges for use  
 837 of such right-of-way; provided, no such agreement shall exempt a  
 838 public service facility from the provisions of chapter 277a. In the case  
 839 of public service companies, as defined in [subdivision (1) of]  
 840 subsection (a) of section 16-1, as amended by this act, such charges or  
 841 rates shall not exceed the actual administrative, construction, operation  
 842 and maintenance costs of the department incurred as a result of the  
 843 public service company's use of a nonlimited access state highway. The  
 844 department may estimate such charges or rates and require  
 845 prepayment of such charges or rates, provided any amount in excess of  
 846 the actual amount shall be refunded to the public service company.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-1(a)
Sec. 2	<i>from passage</i>	12-81(57)
Sec. 3	<i>from passage</i>	12-268s(e)
Sec. 4	<i>from passage</i>	13a-126c

**Statement of Legislative Commissioners:**

In section 1(a)(15), the final sentence of the subdivision was designated subparagraph (E) and rewritten for internal consistency.

***ET***      *Joint Favorable Subst.-LCO*